

Applicant	:	Brian Maxson
Appl. No.	:	10/817,272
Examiner	:	Trang U. Tran
Docket No.	:	705397 4010

REMARKS

Claims 22 – 30 and 44 are pending in this application. Claims 1-21, 31-43 and 45 have been cancelled. Claim 22 has been amended to overcome the Examiner's rejection.

I. Rejections under 35 U.S.C. § 103

Claims 22-30 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fendley (U.S. Pat. No. 4,686,429) in view of Kawashima et al. (U.S. Pat. No. 5,898,465).

The Examiner contends that it would have been obvious to one of ordinary skill to incorporate the rear projection television set taught by Kawashima into Fendley's system in order to perform convergence calibration in rear projection video displays. Fendley, however, either by itself or in combination with Kawashima, fails to teach each of the limitations set forth in Applicants' claims.

A careful review of Fendley reveals that it merely discloses a system for measuring convergence *in* a multi-electron beam CRT. *See* Fendley Abstract and Col. 2:31-52. Fendley makes clear that the plurality of magnetic deflection coils 38—which the Examiner relies upon in formulating her rejection as purportedly meeting the claimed deflection shaping system limitation of claim 22—are used solely to influence the three electron beams 30a, 32a, and 34a in unison. *See* Fendley Fig. 1 and Col. 4:19-61 ("As the three electron beams 30a, 32a, and 34a [i.e., not the electron guns 30, 32, 34] are deflected in unison by a plurality of magnetic deflection coils 38 positioned around an

intermediate portion of the CRT 14 The three electron beams are also deflected upward in unison").

Fendley fails to disclose any element that would be capable of manipulating a tangible structure to perfect the alignment among multiple CRT beams external to the CRT housing. The only structure corresponding to any manipulation or movement whatsoever are the magnetic deflection coils 38, which are programmed to influence the electron beams by sheer inductive qualities alone within the CRT's vacuumed housing. *See id.* Thus, Fendley merely discloses a CRT convergence measuring system "to provide for the more accurate measurement of electron beam convergence *in* a multi-electron beam CRT." Col. 2:31-33 (emphasis added). Nothing in Fendley discloses a deflection shaping mechanism that could manipulate a CRT's beam once the beam has exited the CRT housing. Applicants' claimed embodiments are capable of manipulating and influencing the direction of a CRT's beam in an atmospheric environment without the need for a magnetic coil for carrying out said function. Applicants' specification makes clear that, through a series of mirrors and deflection shaping circuitry, actuators may be used to manipulate various structures within the projection unit housing to automate the beam alignment process.

The Examiner further relies on Kawashima as disclosing a basic projection television system consisting of a CRT, a lens, a mirror, and a screen. Kawashima, 1:29-38. In light of the immediately foregoing discussion with respect to Fendley, a combination of Fendley and Kawashima would render an inoperable convergence "measuring" system that would be incapable of performing the functions of Applicants'

claimed embodiments. For example, the use of magnetic coils, external to a CRT tube, would either have no effect upon the CRT beam at all or will distort the crispness of any picture to a substantial degree, depending on the placement and proximity of the coil itself to the CRT housing.

More particularly, Fendley and Kawashima, whether individually or in combination, fail to teach or suggest a system capable of automating the convergence process by having a positioning device physically manipulate the projection system under the control of deflection shaping circuitry to form a picture-perfect image with little to no human intervention. Accordingly, the proposed combination fails to teach each and every element of Applicants' claimed embodiments.

Moreover, the absence of a convincing discussion of the specific sources of the motivation to combine the prior art references is a critical omission in the Examiner's obviousness analysis, which mainly discusses the way that the multiple prior art references can be combined to read on the claimed invention. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability, the essence of improper hindsight. In the present Office Action, the Examiner's rejection is based on the Fendley reference in view of Kawashima reference, which fails to show the motivation for combining elements of the instant invention. Thus, the cited combination of references does not disclose, nor suggest, the novel features of the inventions claimed in claims.

In view of the foregoing, Applicants respectfully submit that Fendley and Kawashima do not meet or suggest all of the limitations of claims 22-30 and 44-45 and, thus, can neither anticipate nor establish a prima facie case of obviousness. Accordingly, claims 22-30 and 44-45 meet the requirements for patentability and are in condition for allowance.

II. Conclusion

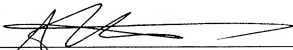
Applicants submit that claims 22-30 and 44-45 are in condition for allowance. Applicants request the examiner contact the undersigned at the number listed below should minor matters remain. Should the examiner conclude that the foregoing amendments do not put the subject application in condition for allowance, Applicants respectfully request that the examiner notify the undersigned to enable the Applicant to schedule an office interview to discuss an acceptable amendment.

The Commissioner is authorized to charge the 2 month extension of time fee, and any other fee that may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 13, 2009

By: _____


André De La Cruz
Reg. No. 57,229

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700 - Fax: 949-567-6710
Customer Number: 34313